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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/961,161	09/21/2001	Christian H. Passow	355.00103 (2001P17280US)	4639

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WOOD, PHILLIPS, VanSANTEN,
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EXAMINER

LUEBKE, RENEE S

ART UNIT	PAPER NUMBER
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2833

DATE MAILED: 02/05/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/961,161

Applicant(s)

PASSOW

Examiner

Renee S. Luebke

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15 and 16 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 9, 10, 14 and 17-32 is/are rejected.
- 7) ☒ Claim(s) 4, 6-8 and 11-13 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 September 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____.

1. The drawings are objected to because in Fig. 1, it appears that "115" should be changed to -100-.

In addition, the reference numerals in all of the figures are handwritten, too small and indistinct. Because of this, the examiner has been unable to find a number of the reference numerals in the figures. Applicant is respectfully requested to confirm that all of the numerals used in the specification are present in the drawings.

New corrected drawings are required in this application because of the issues raised above. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

2. Applicant is kindly requested to fill in the serial number and/or the ✓ patent number for the applications referred to on the first page of the specification.

3. The disclosure is objected to as being inconsistent. In particular, the presence of upper stationary contacts 110, 112 and the possibility of a second movable contact are not consistent with the test and advantages illustrated in Figs. 6 and 7.

- ✓ 4. Claim 4 is objected to because on line 1 "a" should be deleted.

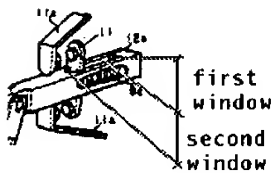
5. Regarding claim 17, the word "means" is preceded by the words "body portion," "recess" and "window" in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function (only structure) is specified by the words preceding "means," it is impossible to determine the equivalents of the element, as required by 35

U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-3, 5, 9, 10 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Reguant Soler. This pusher assembly comprises a body 7, a first window and a second window in a first portion of the body (see marked figure at left), a movable contact 11, and a spring 9a in a recess 12a.



8. Claim 17 is rejected under 35 U.S.C. 102(b) as being anticipated by Reguant Soler. This pusher assembly comprises a body 7 and a recess 12a. It is noted that the window through which the contact extends is both a first window means and a second window means since it performs both functions.

9. Claims 18-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Ikeda. The method for assembling this pusher assembly comprises inserting a movable contact 12 into a first substantially vertical position (Fig. 4) in a first window (the left side), moving the contact to a second window (the right side) and rotating it into the horizontal operating position (Fig. 3). In addition, a spring 4 is inserted through a recess formed by the windows. In regard to claims 22 and 26, it is noted that the second window comprises a shoulder 7 against which the contact is retained. In regard to claims 23 and 31, it is noted that this assembly is intended for use in a contact block; to operate

there, it is inherent that it would be inserted therein. In regard to claims 24 and 32, the determination of the correct insertion of the contact is done visually in the same manner as that of the present application.

10. Claims 4, 6-8 and 11-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Claims 15 and 16 are allowed.


12. **Any response to this action may be mailed to:**
Assistant Commissioner for Patents
Washington, DC 20231

or faxed to:
(703) 872-9318 or 308-7722 or 308-7724
(informal or draft communications should be clearly labeled
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to:
Crystal Plaza 4, Fourth Floor (Receptionist)
2201 South Clark Place, Arlington, Virginia.

13. Any inquiry concerning this communication from the examiner should be directed to Mrs. Renee Luebke whose telephone number is (703) 308-1511.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mrs. Paula Bradley, can be reached at (703) 308-2319.



Renee S. Luebke
Primary Patent Examiner
February 3, 2003